

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION II  
290 Broadway  
New York, New York 10007-1866

NOTICE OF DRAFT UIC PERMIT  
NOTICE OF PUBLIC HEARING ON DRAFT UIC PERMIT  
TO INJECT FLUIDS INTO AN INJECTION WELL

Public Notice No. 04-29

Permit No. NYU119701

Date: August 13, 2004

Bath Petroleum Storage Inc. (BPSI), 7535 Eagle Valley Road, Savona, NY 14879, has applied to the United States Environmental Protection Agency (EPA) under provisions of the Safe Drinking Water Act, 42 U.S.C. 300f et seq. (the Act), for emergency authorization to inject fluids into its Class II injection well – Well #8 (DW-1). This emergency authorization is necessary to allow BPSI to begin emptying Brine Pond #2 at the facility in order to inspect and repair the liner as necessary. Ground water monitoring at the facility indicates that the liner for this brine pond may be leaking. The existing EPA permit, NYU119701, was issued to BPSI on August 25, 1998 and authorizes BPSI to inject brine from the brine pond. The permit also requires BPSI to install continuous pressure monitoring equipment to monitor the annulus pressure and the injection pressure of the well during operation and to shut down injection activities automatically should pressures deviate from the permitted values. BPSI has not utilized the injection well and, therefore, never installed the automatic monitoring equipment. This emergency authorization, issued pursuant to 40 Code of Federal Regulations (C.F.R.) §144.34(a)(1), allows BPSI to manually monitor the annulus pressure and injection pressure continuously while actively injecting and requires BPSI to record the pressures in a log book once per hour. This emergency authorization is for a 90-day period which began **August 13, 2004 and expires on November 11, 2004**. All other provisions of the existing permit remain in full force and effect.

This notice is being given to inform the public that EPA has prepared an emergency authorization to inject under existing Permit No. NYU119701. Pursuant to 40 C.F.R. §144.34(b)(4), EPA must issue a public notice of an emergency permit within 10 days after the issuance of the emergency permit. This authorization and the existing permit contain standards, prohibitions and other conditions necessary to carry out the provisions of the Act. If, after the conclusion of the proceedings summarized below, the Director of the Division of Enforcement and Compliance Assistance, Region II, EPA makes a final decision to allow continued operation under the emergency authorization, the permittee will continue to be required to comply with all the conditions in that authorization as well as the existing permit.

The emergency authorization prepared by EPA is based on the administrative record. The administrative record is on file on the 20th floor, EPA, Region II at the address below and may be inspected and copied at a charge of \$.15 per copy sheet at any time between 8:30 A.M. and 4:00 P.M., Monday through Friday. A copy of the emergency authorization and other available information may be obtained by writing to the address below.

Interested persons may submit comments on the emergency authorization to the Chief, Water Compliance Branch at the below address no later than **September 13, 2004**. All persons, including the permittee, who believe that preparation of this emergency authorization is not appropriate have an obligation to raise all reasonably ascertainable issues and submit all reasonably available arguments and factual grounds supporting their position, including all support material by the close of the public comment period. All supporting material must be submitted unless it is already included in the administrative record. If the Division of Enforcement and Compliance Assistance Director finds that comments timely submitted appear to raise substantial new questions, he or she may reopen the public comment period and schedule a public hearing.

The permittee and any other person who submits timely written or oral comments or requests notice of the final authorization decision shall receive notice of the Division Director's final decision. Within 30 days of service of such notice, any interested person may petition the Administrator to review any condition of the permit decision.

Written comments on the emergency authorization must be received by **September 13, 2004**. Please address comments to:

John S. Kushwara, Chief  
Water Compliance Branch  
U.S. Environmental Protection Agency  
20th Floor  
290 Broadway  
New York, NY 10007-1866  
(212) 637-3766

Dore LaPosta  
Director  
Division of Enforcement Compliance and Assistance

bcc: D. LaPosta  
J. Kushwara  
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